



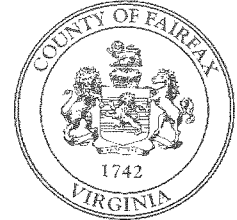
COMMONWEALTH OF VIRGINIA

## Fairfax Circuit Court

4110 Chain Bridge Road  
Fairfax, Virginia 22030-4048

JOHN T. FREY  
Clerk of Circuit Court

703-246-2770 TTY 711



GERARDA M. CULIPHER  
Chief Deputy

Dear Land Records Patron,

Monday, April 17, 2017

There were two minor fee changes enacted by Virginia's General Assembly this session. Both will take **effect July 1, 2017**.

First, the General Assembly changed §58.1-817 through the budget process and not by changing the underlying statute. As you may know, in Virginia, the budget language controls over statutory language. The budget can be found in HB1500. The \$1.00 fee increase can be found therein, at Item 365(C).

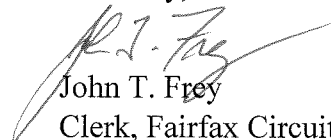
*"C. Included in the amount for Preservation of Open-Space Lands is \$1,752,750 the first year and \$1,752,750 the second year from the general fund for the operating expenses of the Virginia Outdoors Foundation (Title 10.1, Chapter 18, Code of Virginia). Pursuant to § 58.1-817, the \$1 recordation fee shall be imposed on each instrument or document recorded in the proper book for filing of land records in those jurisdictions in which open-space easements are held by the Virginia Outdoors Foundation."*

Please note that the language "proper book for filing of land records" may get interpreted by Virginia's Attorney General to include the judgment book, too.

In addition, the General Assembly passed identical bills in the House of Delegates and the Senate which allow a fee of up to \$5.00 per **paper** document filed in the land records, if the Clerk has an electronic filing system for land records. Current law allows a \$5.00 fee to be charged on every electronic filing. The new legislations conforms the treatment of land records e-filing with the courtside e-filing, where a \$5.00 fee can be charged for paper pleadings, if the Clerk offers e-filing of court cases. The two bills are HB2035 and SB870, from the 2017 Session, and can be found on Virginia's Legislative Information System <http://lis.virginia.gov/cgi-bin/legp604.exe?171+men+BIL>

Therefore, effective July, 1, 2017, the Fairfax Circuit Court will implement a \$5.00 fee on all **paper** documents/instruments recorded in the land records. This fee is being charged pursuant to §17.1-258.3:1, of the Code of Virginia.

Sincerely,

  
John T. Frey  
Clerk, Fairfax Circuit Court